

STANDARD APPLICATION Harford County Board of Appeals Bel Air, Maryland 21014	<div style="border: 1px solid black; padding: 5px; display: inline-block;"> RECEIVED OCT 27 2011 </div>	Case No. <u>5759</u> Date Filed <u>10/25/11</u> Hearing Date _____ Receipt _____ Fee <u>400.00</u> Type <u>Special Exception</u>
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Information to be Submitted with Application

1. A plot plan drawn to scale indicating all pertinent data.
2. A list of all adjoining property owners with mailing addresses.
3. Names and addresses of all persons having legal or equitable interest in the property.
4. All required supporting documentation or additional studies as may be required; including traffic and environmental studies, etc.

NOTE:

All applicants **MUST** schedule a pre-application meeting with the Department of Planning and Zoning prior to filing any application to the Board of Appeals.

To schedule please call 410-638-3119.

Shaded areas for Office Use Only

Nature of Request and Section(s) of Code CASE 5759 MAP 39 TYPE Special Exception ELECTION DISTRICT 04 TAX ID 04044223 LOCATION 2120 High Point Road, Forest Hill 21050 BY Mary M. Martin Appealed because a Special Exception pursuant to Sec. 267-88H(1) of the Harford County Code to permit construction services and suppliers in the AG district requires approval by the Board.

Owner (please print or type)

Name Mary M. Martin Phone Number Atty - 410-893-7500

Address 2120 High Point Road, Forest Hill, Maryland 21050-2206

Street Number	Street	City	State	Zip Code
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Co-Applicant _____ Phone Number _____

Address _____

Street Number	Street	City	State	Zip Code
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Contract Purchaser Ecotone, Inc. Phone Number Atty - 410-893-7500

Address PO Box 5, 1204 Baldwin Mill Road, Jarrettsville, MD 21084

Street Number	Street	City	State	Zip Code
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Attorney/Representative Kevin J. Mahoney, Esquire Phone Number 410-893-7500

Gessner, Snee, Mahoney & Lutche, PA

Address 11 S. Main Street, Bel Air, Maryland 21014

Street Number	Street	City	State	Zip Code
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Land Description

Address and Location of Property 2120 High Point Road, Forest Hill, MD 21050-2206

Subdivision _____ Lot Number Par. A
Acreage/Lot Size 15 acres Election District 04 Zoning AG Tax ID # 044223
Tax Map No. 39 Grid No. 1F Parcel 1 Water/Sewer: Private ☒ Public _____

List ALL structures on property and current use: single family home with garage, shed, barn and tennis court

Estimated time required to present case: 1 hour

If this Appeal is in reference to a Building Permit, state number n/a

Would approval of this petition violate the covenants and restrictions for your property? Yes _____ No ☒

Is this property located within the County's Chesapeake Bay Critical Area? Yes _____ No ☒

If so, what is the Critical Area Land Use designations: _____

Is this request the result of a zoning enforcement investigation? Yes _____ No ☒

Is this request within one (1) mile of any incorporated town limits? Yes _____ No ☒

Request

See attached.

Justification

See attached.

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

6 : 10/19/11
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**IN THE APPLICATION OF
MARY MARTIN AND ECOTONE, INC.**

I. REQUEST:

Special exception, pursuant to 267-88(h)(1), to allow construction services and suppliers use in the agricultural zone.

II. JUSTIFICATION:

The proposed site is a fifteen (15) acre farm. The proposed use is primarily for the cultivation of plant materials and office space for Ecotone, Inc. Ecotone, Inc. is an environmental consulting firm providing wetlands design and construction, stream restoration, forest and wetlands mitigation and environmental consulting and permitting. The existing dwelling will be used as offices for Ecotone staff. The remaining outbuildings will be used for storage of materials associated with the nursery use and approximately four (4) to five (5) employees will work at the site. An additional eight (8) to ten (10) employees may come to the site on occasion prior to travelling to job sites. Designated pasture area will be used for the cultivation of plant materials for use in Ecotone's business. The only physical change to the site would be the conversion of the existing tennis courts to a greenhouse facility.

The proposed use meets all of the requirements of the Harford County Zoning Code. All commercial vehicles and equipment will be stored entirely within an enclosed building or fully buffered from view from adjacent residential lots and public roads. The majority of equipment used by Ecotone will continue to be stored at other locations in Baltimore County. Applicant proposes to pave any parking and storage areas and will install a type C buffer along any adjacent road right of ways or adjacent residential lots.

The proposed use will not have any adverse impact greater than that inherently associated with the construction services and suppliers use at any other location in the agricultural zone.

SEENHOUSE
LOCATION

Ex.
Tennis
Court

EXISTING WELL

Ex.
House

2 PARKING SPACES

OFFICE

GCB2

BUILDING SETBACK

50 Feet

HIGH POINT

SEPTIC

DRAINFIELD

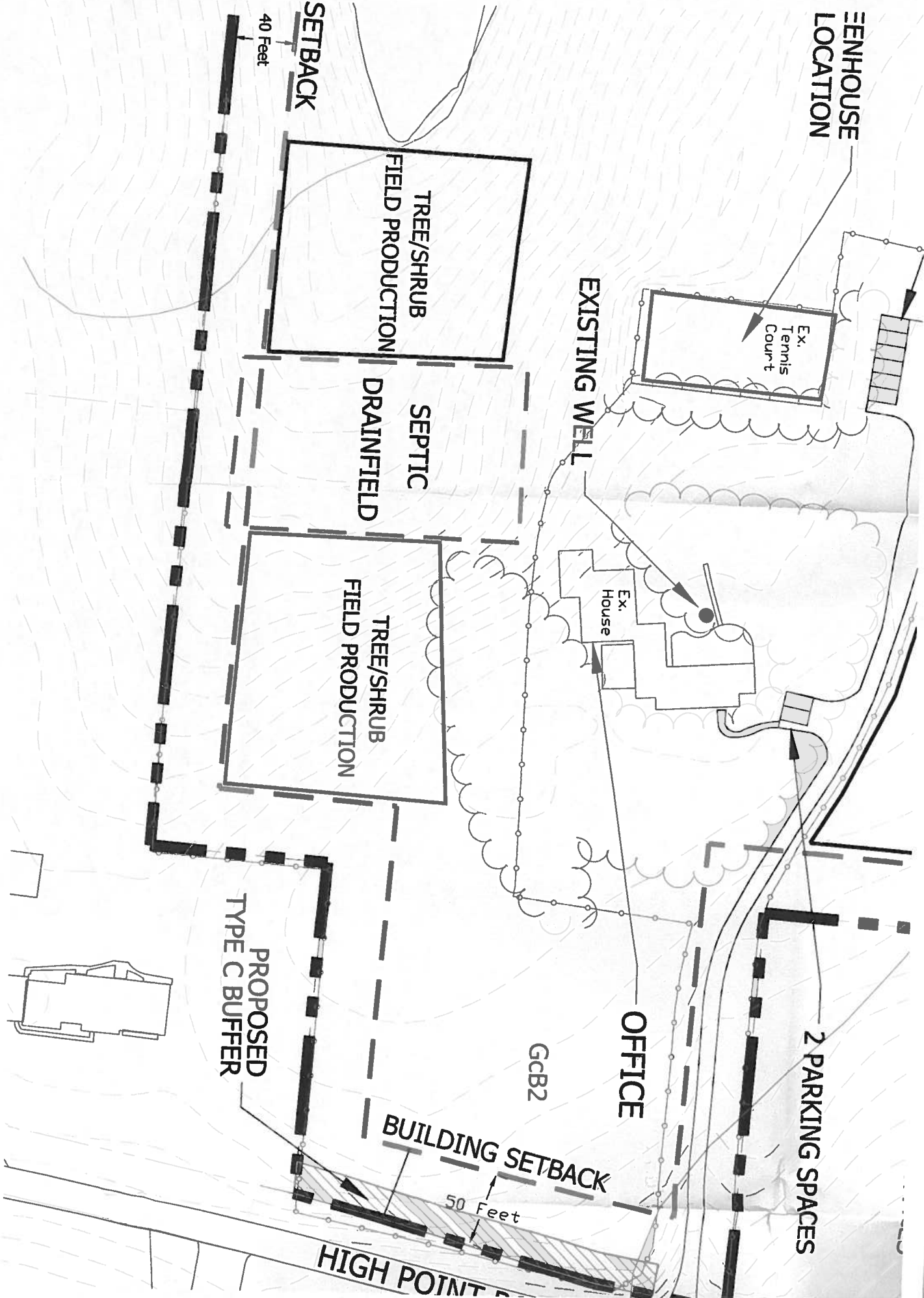
TREE/SHRUB
FIELD PRODUCTION

TREE/SHRUB
FIELD PRODUCTION

SETBACK

40 Feet

PROPOSED
TYPE C BUFFER



DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

MARY F. CHANCE
DIRECTOR OF ADMINISTRATION



C. PETE GUTWALD
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

November 22, 2011

Department of Planning and Zoning

STAFF REPORT

BOARD OF APPEALS CASE NO. 5759

APPLICANT/OWNER: Mary M. Martin
2120 High Point Road, Forest Hill, MD 21050

CONTRACT PURCHASER: Ecotone, Inc.
P.O. Box 5, 1204 Baldwin Mill Road, Jarrettsville, MD 21084

REPRESENTATIVE: Kevin J. Mahoney, Esquire
Gessner, Snee, Mahoney & Lutche, P.A.
11 S. Main Street, Bel Air, MD 21014

LOCATION: 2120 High Point Road
Tax Map: 39 / Grid: 1F / Parcel: 1
Election District: Fourth (4)

ACREAGE: 15.0+/- Acres

ZONING: AG/Agricultural

DATE FILED: October 25, 2011

HEARING DATE: December 7, 2011



APPLICANT'S REQUEST and JUSTIFICATION:

See Attachment 1.

CODE REQUIREMENTS:

The Applicants are requesting a Special Exception pursuant to Section 267-88H(1) of the Harford County Code to permit a Construction Services and Suppliers use in the AG/Agricultural District.

Preserving Harford's past; promoting Harford's future

STAFF REPORT

Board of Appeals Case Number 5759

Mary M. Martin & Ecotone, Inc.

Page 2 of 7

Section 267-88H(1) of the Harford County Code reads:

H. Services:

- (1) Construction services and suppliers. These uses may be granted in the AG and VB districts, provided that:
 - (a) A minimum parcel area of 5 acres in the AG district and 1 acre in the VB district is required.*
 - (b) If the use includes the storage of commercial vehicles and equipment, the vehicles and equipment must be stored entirely within an enclosed building or fully buffered from view of adjacent residential lots and public roads.*
 - (c) All parking and storage areas must be paved.*
 - (d) A type "C" buffer, pursuant to Section 267-30 (Buffer Yards), shall be provided along any adjacent road rights-of-way or adjacent residential lots.**

Section 267-91 of the Harford County Code will be discussed in detail later in the report.

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicants' property is located on the west side of High Point Road approximately 1,200 feet south of MD Route 23 (East-West Highway). Enclosed with the report are copies of a location map and the Applicants' site plan (Attachments 2 and 3).

The subject property is located outside of the Development Envelope. There are a wide range of land use designations in this area of the County; including Agricultural, Rural Residential, Low, Medium, and High Intensities and Industrial/Employment. The Rural Village of Forest Hill is located northeast of the subject property at the intersection of MD Route 24 and Jarrettsville Road. The Natural Features Map reflects Agricultural Preservation Easements, Sensitive Species Project Review Areas and Stream Systems. The subject property is designated as Agricultural which is defined by the 2004 Land Use Plan as:

***Agricultural** – Areas where agriculture is the primary land use, but where development rights are available. Residential development is possible at a density of 1.0 dwelling unit for every 10 acres. Commercial uses within this area are intended to serve the agriculture industry or residents of the area while maintaining the character of the surrounding countryside.*

STAFF REPORT

Board of Appeals Case Number 5759

Mary M. Martin & Ecotone, Inc.

Page 3 of 7

Enclosed with the report are copies of a portion of the 2004 Land Use Map and the Natural Features Map (Attachments 4 and 5).

Land Use – Existing:

The existing land uses in this area of the County generally conform to the overall intent of the Master Plan. Agricultural uses include farms with pasture and cropland. Residential uses include single-family dwellings, townhouses and condominiums. Commercial uses include single retail establishments, shopping centers, automotive related uses, restaurants, and personal and professional services which are generally found along the MD Route 24 corridor. There are also institutional uses such as churches, schools, parks and recreational facilities in the vicinity of this site.

The subject property contains 15.0+/- acres, is irregularly shaped and has approximately 285+/- feet of frontage along High Point Road. The subject property is improved with a large, older single-family dwelling and two large accessory buildings that appear to be associated with the former agricultural use of the property. There is also an existing tennis court located to the rear of the dwelling. The remainder of the subject property is predominately open pasture with approximately 1.5+/- acres of mature forest located at the southwest corner of the property. The property is attractively landscaped with mature trees and shrubs around the dwelling. A large pond which drains into a small tributary is located on the south side of the subject property.

The topography of the subject property is moderate to steeply sloping with an average slope of 17% rising from the south to the north on the back half of the parcel. The topography in the center of the property in the vicinity of the improvements is gently sloping. The subject property rises steeply from High Point Road up to the dwelling. The majority of the subject property including the dwelling and accessory structures are not visible from High Point Road due to the steep embankment along the edge of the road.

Enclosed with the report are a site topography map, aerial photo, and site photos (Attachments 6, 7 and 8).

Zoning:

The zoning classifications in the area are generally consistent with the 2004 Master Plan as well as the existing land uses. Agricultural zoning is the predominate zoning north of MD Route 23. Residential zoning includes RR/Rural Residential, VR/Village Residential and R2 and R3/Urban Residential Districts. Commercial zoning is generally located along the MD Route 924 corridor and includes; VB/Village Business District, B2/Community Business and CI/Commercial Industrial. There is also some GI/General Industrial District within the Forest Hill Industrial Airpark. The subject property is zoned AG/Agricultural as shown on the enclosed zoning map (Attachment 9).

SUMMARY:

STAFF REPORT

Board of Appeals Case Number 5759

Mary M. Martin & Ecotone, Inc.

Page 4 of 7

The Applicants are requesting a Special Exception pursuant to Section 267-88H(1) of the Harford County Code to permit a Construction Services and Suppliers use in the AG/Agricultural District.

Section 267-88H(1) of the Harford County Code:

H. Services:

- (1) *Construction services and suppliers. These uses may be granted in the AG and VB districts, provided that:*

The subject property is zoned AG/Agricultural.

- (a) *A minimum parcel area of 5 acres in the AG district and 1 acre in the VB district is required.*

The subject property is 15.0+/- acres in size.

- (b) *If the use includes the storage of commercial vehicles and equipment, the vehicles and equipment must be stored entirely within an enclosed building or fully buffered from view of adjacent residential lots and public roads.*

There are two existing large buildings located on the subject property which are identified as a barn and a garage/shop. The Applicants are proposing to store all of their commercial vehicles and equipment within these buildings. There are existing hedge rows, forest and landscaping located around the majority of the perimeter of the property.

- (c) *All parking and storage areas must be paved.*

The existing driveway and proposed parking areas are paved.

- (d) *A type "C" buffer, pursuant to Section 267-30 (Buffer Yards), shall be provided along any adjacent road rights-of-way or adjacent residential lots.*

The Applicants are proposing a 20-foot Type "C" buffer along High Point Road. It is important to note that most of the subject property is not visible from High Point Road due to the topography, steep embankment and existing vegetation. Nevertheless, the Applicants are proposing to establish a Type "C" buffer in accordance with this requirement. There are no adjacent residential lots abutting the subject property.

Section 267-9I:

- (1) *The number of persons living or working in the immediate area.*

STAFF REPORT

Board of Appeals Case Number 5759

Mary M. Martin & Ecotone, Inc.

Page 5 of 7

The subject property is a large agricultural parcel which was formerly used as pastureland. The Applicants are proposing to use a portion of the existing pasture for the cultivation of plant materials used in their environment consulting and construction business. The types of vehicles and equipment to be stored on the property are common to the area and would not adversely impact persons living or working in the immediate area.

- (2) *Traffic conditions, including facilities for pedestrians and cyclist, such as sidewalks and parking facilities, the access of vehicles to roads; peak periods of traffic, and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future.*

The subject property is located on the west side of High Point Road which is designated as a collector road. Sight distance in both directions is good. The Applicants' proposed use does not generate a significant amount of traffic and should not have an adverse impact on traffic in the area.

- (3) *The orderly growth of the neighborhood and community and the fiscal impact on the County.*

The use is permitted in the AG/Agricultural District as a Special Exception. The use proposed will not impact the orderly growth of the neighborhood.

- (4) *The effect of odors, dust, gas, smoke, fumes, vibration, glare and noise upon the use of surrounding properties.*

The vehicles and equipment used in the operation of the business will not generate a significant amount of noise or smoke.

- (5) *Facilities for police, fire protection, sewerage, water, trash and garbage collection and disposal and the ability of the County or persons to supply such services.*

Police protection will be provided by the Sheriff's Department and the Maryland State Police. Fire and emergency protection will be provided by the local Volunteer Fire and Ambulance. The property is served by private onsite well and septic systems. Trash and garbage collection will be the responsibility of the property owner.

- (6) *The degree to which the development is consistent with generally accepted engineering and planning principles and practices.*

The use as proposed is consistent with generally accepted planning practices

- (7) *The structures in the vicinity, such as schools, houses of worship, theaters, hospitals and similar places of public use.*

STAFF REPORT

Board of Appeals Case Number 5759

Mary M. Martin & Ecotone, Inc.

Page 6 of 7

The proposed use should not have any impact on uses listed in this section.

- (8) *The purposes set forth in this Part 1, the Master Plan and related studies for land use, roads, parks, schools, sewers, water, population, recreation and the like.*

The request is consistent with the 2004 Land Use Plan.

- (9) *The environmental impact, the effect on sensitive natural features and opportunities for recreation and open space.*

The subject property contains a large pond on the south side of the property, steep slopes, and mature forest. The Applicants are not proposing to disturb the steep slopes or existing forest. The Applicants propose the cultivation of trees and shrubs used in their environmental consulting and construction business. The Applicants proposed use should not impact the sensitive natural features located on the subject property.

- (10) *The preservation of cultural and historic landmarks.*

Not applicable to the subject site and request.

The Applicants are proposing to relocate their environmental consulting firm to the subject property. Their business provides wetland design and construction, stream restoration, forest and wetland mitigation and environmental consulting and permitting. As part of their business, they are proposing to convert a portion of the pastureland to growing trees and shrubs used in their restoration projects. The Applicants are also proposing to construct a greenhouse where the existing tennis courts are located. The majority of the subject property and the existing improvements are not visible from High Point Road. The subject property is ideal for the Applicants' proposed use and will not have an adverse impact on the neighborhood. The Applicants can meet or exceed all of the Special Exception requirements.

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the Special Exception be approved subject to the following conditions:

1. The Applicants shall submit a detailed site plan to be reviewed and approved thru the Development Advisory Committee.
2. The site plan shall include a detailed landscaping plan that addresses the Type "C" buffer.
3. The approval of this request shall be for the Applicant only and shall become void when the property is sold or transferred.
4. No retail sales of nursery stock shall be conducted from the property.

STAFF REPORT

Board of Appeals Case Number 5759

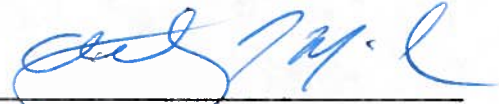
Mary M. Martin & Ecotone, Inc.

Page 7 of 7

5. All proposed lighting shall be shown on the landscaping plan.



Shane R. Grimm, Chief
Site Plan & Building Permits Review



Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

SG/ASM/jf